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PATENT
CASE NAME/No.: SP00-038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: BUMGARNER KIRK P, et al.

Serial No: 09/733,352

Filing Date: 12/8/2000

Title: METHOD AND APPARATUS FOR
TENSILE TESTING AND
RETHREADING OPTICAL FIBER
DURING FIBER DRAW

Art Group Unit: 1731

Examiner: John M. Hoffman

RESPONSE

RECEIVED
MAY 08 2003
GROUP 1700

Assistant Commissioner for Patents
Arlington, VA 22313-1450

RESPONSE TO EXAMINER'S RESTRICTION REQUIREMENT

In the Office Action dated April 2, 2003, designated as Paper No. 5 in the above-captioned application, the Examiner issued a Restriction Requirement identifying the following groups of claims as being drawn to potentially distinct inventions:

- Group I. Claims 1 - 37, drawn to a method of testing fiber strength, classified in class 65, subclass 377;
- Group II. Claims 38 - 49, drawn to a method of threading a fiber, classified in class 226, subclass 7;
- Group III. Claims 50 - 51, drawn to a fiber drawing apparatus, classified in class 65, subclass 486;
- Group IV. Claims 52 - 55, drawn to a method of changing spools, classified in class 226, subclass 1;
- Group V. Claim 56, drawn to a method of controlling winding, classified in class 65, subclass 381; and
- Group VI. Claims 57 - 58, drawn to a method of removing bad fiber, classified in class 65, subclass 433.

Applicants provisionally elect the Group I claims 1-37 with traverse.

Applicants respectfully traverse the Examiner's Restriction Requirement on the grounds that the proposed inventions are not independent and distinct from one another, and that the proposed inventions are inextricably intertwined, and prosecution of the proposed groups of claims together would be most effective for the Office. In order to conduct a comprehensive search regarding any one of the groups, including the group provisionally

elected above, it would be inherently necessary to review the same pertinent fields and classes of prior art relating to the other groups. Moreover, the important questions of patentability and claim interpretation are likely to be based on substantially similar issues and evaluations for each group of claims, and would require consideration of the same prior art, and combined prosecution is therefore less likely to result in inconsistent or conflicting file histories.

As such, Applicant respectfully requests that the Examiner withdraw the Restriction Requirement in the next subsequent Office Action, and continue prosecution of Groups I-VI together with one another.

Applicants believe that no extension of time is necessary to make this Response timely. Should Applicants be in error, Applicants respectfully request the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Robert L. Carlson at 607-974-3502.

Respectfully submitted,

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Date: May 2, 2003

CERTIFICATE OF MAILING UNDER 37 C.F.R.

§ 1.8: I hereby certify that this paper and any papers referred to herein are being deposited with the U.S. Postal Service, as first class mail, postage prepaid, addressed to Assistant Commissioner of Patents, Arlington, VA 22313-1450 on May 2, 2003.


Robert L. Carlson